

31st October 2025

Senior Planner,
Planning Policy Unit,
Planning Department,
Kerry County Council,
County Buildings,
Rathass,
Tralee,
Co. Kerry,
V92H7VT.

**Re: Material Alterations to Proposed Variation No. 2 of the Kerry County
Development Plan 2022-2028**

A chara,

Thank you for your authority's work in preparing the Material Alterations (material alterations) to the Proposed Variation No. 2 (proposed Variation) to the Kerry County Development Plan 2022-2028 (County Development Plan).

As Kerry County Council (Planning Authority) is aware, a key function of the Office of the Planning Regulator (Office) is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the proposed Variation under the provisions of sections 31AM(1) and 31AM(2) of the Planning and Development Act 2000, as amended (Act) and this submission has been prepared accordingly.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, planning authorities are requested to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. Planning authorities are advised by the Office to action an observation.

A submission can also include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. Planning authorities are requested by the Office to give full consideration to the advice contained in a submission.

On adoption of the plan, the Office will consider whether the plan has been made in a manner consistent with the recommendations of the Office and whether the plan sets out an overall strategy for the proper planning and sustainable development of the area concerned.

Overview

The Office welcomes the material alterations in response to the recommendations and observations made in our submission on the proposed Variation. In particular, MA 1 in relation to updating the Local Transport Plan (LTP), MA 2 identifying the quantum of developed and undeveloped employment zoned lands, MA 6 strengthening the objective for sustainable transport in new residential areas, MA 7 and MA 39 introducing new objectives in relation to environmental protection.

The material alterations do however include a number of proposals to rezone residential zoned land from R1 – New/Proposed Residential without any clear reason relating to the proper planning and sustainable development of the area, and contrary to the Government's policy to increase housing delivery and to zone land to optimise the ability to deliver on the housing requirements in the National Planning Framework First Revision (2025) (NPF). The lands detailed below are well located relative to the infrastructure services and amenities of Killarney, Kilcummin, and Rathmore and could provide much needed housing within these towns. The Office recommends therefore that the adopted Variation does not include these material alterations.

This submission also makes a recommendation to material alterations to zone additional lands for employment uses without a clear evidence-based justification and in locations

which raise serious concerns regarding flood risk, access to national roads, and the long-term supply of residential zoned land.

In relation to the proposed multi-storey car park in Killarney, the Office remains of the view that this proposal is not supported by the LTP prepared for the town and requires further detailed consideration as proposed by the Chief Executive.

A recommendation is also included to protect natural heritage, biodiversity and built heritage in Killarney (MA 19 and MA 21).

The submission below has been prepared to provide a strategic level input to your authority in finalising the proposed Variation. It is within the above context that the submission sets out four (4) recommendations and one (1) observation under the following key themes:

Key theme	Recommendation	Observation
Residential zoned land	MA Recommendation 1	-
Enterprise and employment	MA Recommendation 2	-
Sustainable transport	MA Recommendation 3	-
Community facilities, landscape and the environment	MA Recommendation 4	MA Observation 1

1. Residential zoned land

The NPF identifies the need for approximately 50,000 additional households per annum to 2040 (NPO 42 of the NPF). Consistent with this target, the recently published Ministerial Guidelines NPF Implementation: Housing Growth Requirements (2025) (Housing Growth Requirements) sets out the Government's policy to increase housing delivery and to zone land to optimise the ability to deliver on the housing requirements in the NPF, including housing growth requirements for each planning authority. The Office notes several material alterations to rezone R1 – New/Proposed Residential lands in Killarney (MA 20 and MA 23) and the surrounding settlements of Kilcummin (MA 32 and MA 34), and Rathmore (MA 43) to other uses including R4 – Strategic Residential Reserve, C2.1 – Industrial, Enterprise, Employment, N1.1 – Car Park and P1 – Agriculture. These material alterations result in an overall reduction of residential lands available for development within the plan period by c.22ha, contrary to the Housing Growth Requirements.

Objective KCDP SP-9 of the County Development Plan states that residential development is prohibited on lands zoned R4 (Strategic Residential Reserve) until 80% of the R1 (new/proposed residential zoned) lands have been developed to the satisfaction of the Planning Authority and subject to the provision of adequate infrastructure.

The proposed material alterations in Killarney and Kilcummin (MA 20, MA 23 and MA 32) to rezone R1 – New/Proposed Residential lands to R4 – Strategic Residential Reserve therefore would restrict the supply of new housing during the plan period.

The Office also has concerns with the rezoning of residential land to agriculture (MA 34) in Kilcummin and employment / car parking (MA 43) in Rathmore. These sites are centrally located adjoining the village core, are highly accessible and serviced for development within the lifetime of the County Development Plan.

The Office also notes the inclusion of a new residential site outside the settlement boundary for Kilcummin (MA 33). These lands are located beyond an already peripheral housing development (Pairc Chuimin) in an isolated rural hinterland with no footpath connection to the village, and leapfrog substantial greenfield lands unnecessarily extending this small village into the rural hinterland contrary to NPO 7 of the NPF to ensure compact and consequential patterns of growth within existing settlements and the policy and objective of the Development Plans, Guidelines for Planning Authorities (2022) (Development Plans Guidelines) to adopt a sequential approach when zoning lands for development.

For these reasons, the Office does not accept that the MA 33 lands are a reasonable replacement for rezoning the MA 34 R1 – New/Proposed Residential lands in the centre of the village to agriculture.

MA Recommendation 1 - R1 – New/Proposed Residential and R4 – Strategic Residential Reserve zoned lands

Having regard to the provision of a sufficient supply of zoned lands to support compact and sustainable growth and the co-ordination of land use zoning, infrastructure and services, and in particular to:

- NPO 42 of the NPF to target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040;

- Policy and Objective 1 of the NPF Implementation: Housing Growth Requirements (2025) (Housing Growth Requirements) that the housing growth requirements for each planning authority are reflected in the relevant city or county development plan;
- Policy and Objective 2 of the Housing Growth Requirements that ‘additional provision’ of up to 50% over and above the housing growth requirement for each local authority is reflect within the relevant city or county development plan;
- NPO 7 of the NPF to ensure compact and consequential patterns of growth within existing settlements; and
- the policy and objective of the Development Plans, Guidelines for Planning Authorities (2022) that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently,

the Office recommends that the Planning Authority makes the Variation without the following material alterations:

- (i) MA 20 (R1 – New/Proposed Residential and R2 – Existing Residential to R4 – Strategic Residential Reserve);
- (ii) MA 23 (R1 – New/Proposed Residential to R4 – Strategic Residential Reserve);
- (iii) MA 32 (R1 – New/Proposed Residential to R4 – Strategic Residential Reserve);
- (iv) MA 33 (R1 – New/Proposed Residential);
- (v) MA 34 (R1 – New/Proposed Residential and M1 – Mixed Use to P1 – Agriculture);
and
- (vi) MA 43 (R1 – New/Proposed Residential to C2.1 – Industrial, Enterprise, Employment, N1.1 – Car Park).

2. Enterprise and employment

The Office welcomes MA 2 in response to Observation 1 of the Office’s submission on the proposed Variation which identifies the total quantum of enterprise and employment zoned lands within Killarney and the surrounding settlements. It is noted that 67ha of the 77ha

zoned for employment uses is undeveloped. The rationale for the proposed zoning of additional employment lands through material alterations MA 11, MA 30 and MA 48 is not therefore clear.

Section 6.2.5 of the Development Plans Guidelines state that proposed employment zonings must have an evidence-based rationale, particularly with regard to location and type of employment and should demonstrate that the quantum of land zoned is not significantly in excess of the estimated future demand arising from population, economic and employment growth and change. The Office notes however that no analysis or justification for the extent of the proposed employment zonings has been presented.

The Office acknowledges RPO 18 of the Regional Spatial and Economic Strategy (RSES) to support employment generating uses in Killarney, and County Development Plan objectives KCDP 9-1 and 9-9 which promote employment growth in a sustainable manner throughout the county, however the subject material alterations propose increasing the quantum of employment lands in the proposed locations without any rationale, and in locations which raise serious concerns regarding flood risk, access to national roads, and the long-term supply of residential zoned land.

In particular, a significant proportion of MA 48 is located within Flood Zone A with the remainder of the site within Flood Zone B. In addition, MA 30 is located within an area of unmapped watercourses, where flood zones cannot be assigned. NPO 78 of the NPF states that development in areas at risk of flooding should be avoided. The County Development Plan further expands on this under objective KCDP SP-17 which states that only water compatible uses are permitted within Flood Zone A and less vulnerable development in Flood Zone B. The proposed employment zoned lands MA 30 and MA 48 are located in areas that are identified as incompatible for development and therefore are not supported by the Office.

In addition, MA 48 directly fronts the N72 national road. The Office notes County Development Plan objectives KDCP 14-29 and 14-30 which seek to safeguard the strategic function and safety of national roads and to avoid creations of any additional access points to which speed limits greater than 60km/h apply. In addition, the submission from Transport Infrastructure Ireland highlights that the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) clearly state that planning authorities should avoid the creation

of any additional access points from new development or the generation of increased traffic from existing accesses to national roads where speed limits greater than 60km/h apply.

In relation to MA 11, the rationale for the proposed change of zoning from Strategic Residential Reserve to Employment is not clear and the Planning Authority is recommended to review this zoning objective in the context of the need for a longer-term supply of residential land.

MA Recommendation 2 - Enterprise and Employment

Having regard to the location of employment lands in locations that can support compact and sustainable development, and in particular to:

- section 6.2.5 of the Development Plans, Guidelines for Planning Authorities (2022) in respect of providing an evidence-based rationale for employment zoning;
- NPO 78 of the NPF to avoid inappropriate development in areas at risk of flooding in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines);
- RPO 116 to consider land use policies in accordance with the provision of the Flood Guidelines;
- Objective KCDP SP-17 of the Kerry County Development Plan 2022-2028 which states that only water compatible uses are permitted within Flood Zone A and less vulnerable development in Flood Zone B;
- RPO 151 to maintain and protect the strategic transport function of national roads in accordance with national policy; and
- the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) to safeguard the strategic function and safety of national roads and to avoid creations of any additional access points to which speed limits greater than 60km/h apply,

the Office recommends that the Planning Authority makes the Variation without the following material alterations:

- (i) MA 11;
- (ii) MA 30; and
- (iii) MA 48.

3. Sustainable transport

The Office notes the amendments to Objective KCDP KY-22 under MA 3 in relation to the provision of a multi-storey car park in Killarney. As the Planning Authority is aware, the Office recommended the omission of this objective in their submission on the proposed Variation.

The Office remains of the view that the provision of a multi-storey car park in Killarney is not supported by the LTP and requires further consideration as proposed by the Chief Executive.

MA Recommendation 3 - Sustainable Transport

Having regard to the need for integration of land use and sustainable transportation, and in particular to:

- the Climate Action and Low Carbon Development Act 2015, as amended, mandatory target to reduce greenhouse gas emissions by 51%, the Climate Action Plan 2025 and associated actions including the National Sustainable Mobility Policy (2022) targets to reduce vehicle kilometres travelled per year, and the National Investment Framework for Transport in Ireland (2021);
- NPO 107 and National Strategic Outcome 5 of the NPF (sustainable mobility);
- NPO 93 of the NPF (air quality);
- RPO 151 of the RSES (integration of land use and transport);
- RPO 152 of the RSES (permeability for walking, cycling and public transport modes); and
- RPO 157 of the RSES (preparation of Local Transport Plans),

the Office recommends that the Planning Authority makes the Variation without the following material alteration:

4. Community facilities, landscape and the environment

The Office notes the inclusion of MA 21 which proposes to rezone lands from G3 Landscape Protection to R1 New/Proposed Residential within a wider landscape protection area in Killarney. The Strategic Environmental Assessment (SEA) Environmental Report included with the material alterations states that significant effects cannot be ruled out due to the impact on the native old oak woodland ecological corridor.

It is an objective of the County Development Plan to protect local biodiversity features (KCDP KY-12) and non-designated habitats (KCDP KY-44). Furthermore, NPO 85, NPO 86, and NPO 87 of the NPF seek to ensure that biodiversity is protected and supported in order to prevent biodiversity loss. The inclusion of MA 21 is therefore contrary to national planning policies and objectives and is not supported by the Office.

The Office also notes the inclusion of MA 19 which seeks to zone lands for R1 – New/Proposed Residential located within the historic demesne associated with Cahernane House, which is included in the record of protected structures (RPS – KY – 0486).

The SEA Environmental Report notes that significant effects cannot be ruled out due to the potential impact on several environmental sensitives and the Office notes that the submission of the Department of Housing, Local Government and Heritage raises similar concerns regarding the potential impact on the protected structure and historic landscape.

It is an objective of the County Development Plan, KCDP 8-40, to ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting including designed landscape features and views, is compatible with the special character of that structure. Furthermore, the NPF supports the protection and conservation of built heritage assets and their cultural value (NPO 89 and NPO 90) and RPO 202 seeks to enhance and protect the regions unique natural heritage, biodiversity and built heritage. The rezoning of these sensitive lands is therefore contrary to the policies and objectives of national and regional policies, and for these reasons cannot be supported by the Office.

MA Recommendation 4 - Landscape and the Natural Environment

Having regard to the protection of biodiversity and ecological corridors, and in particular to the following:

- the Environmental Report Addendum for the Strategic Environmental Assessment prepared in respect of the proposed Material Alterations to the Proposed Variation No. 2 of the Kerry County Development Plan 2022-2028 (County Development Plan);
- NPO 85, NPO 86 and NPO 87 of the NPF (conservation of biodiversity);
- NPO 89 and 90 of the NPF (protection and conservation of built heritage);
- RPO 117 of the RSES (biodiversity and the Habitats Directive);
- RPO 202 of the RSES for the protection of natural heritage, biodiversity and built heritage; and
- Objective KCDP KY-12, KCDP KY-44 and KCDP 8-40 of the County Development Plan,

the Office recommends that the Planning Authority makes the Variation without the following material alterations:

- (i) MA 19; and
- (ii) MA 21.

The Office notes MA 25 in relation to the river walkway. While the Office has no objection to the proposed amendment in principle, it is considered appropriate to reword the related objective to address, in particular, the issues raised in the section 51 Committee Report pertaining to overlooking.

MA Observation 1 - Community Amenities

In relation to MA 25, the Planning Authority is advised to reword Objective KCDP BF-11 to read as follows;

‘....to the north/north-east of the settlement having regard to all relevant environmental considerations and in consultation with adjacent landowners’.

Summary

The Office requests that your authority addresses the recommendations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within **five working days** of the decision of the Planning Authority in relation to the proposed Variation. Where your authority decides not to comply with the recommendations of the Office or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the Chief Executive shall inform the Office and give reasons for this decision.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015